been added by this amendment. Reconsideration is respectfully requested in view of these amendments and the following remarks.

The nucleotide sequences of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 and 37 C.F.R. §1.141 by the Examiner in this case.

The Examiner suggests that claim 3 specifically claims antisense sequences which target and inhibit the expression of glioma-associated oncogene-3. The Examiner has further suggested that the multiple individual antisense oligonucleotide sequences are deemed to be structurally independent and distinct even though they each target the same gene. The Examiner has required Applicants to elect one claimed antisense oligonucleotide sequences from claim 3. Applicants respectfully traverse this restriction requirement.

MPEP §803 is quite clear; for a proper restriction requirement, it must be shown (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate

manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

As acknowledged by the Examiner, all of the identified sequences of claim 3 share the ability to modulate a common structure, namely glioma-associated oncogene-3. Thus, Applicants respectfully disagree with the Examiner's suggestion that the SEQ ID NOs recited in claim 3 are distinct as being novel and unobvious over each other as required by MPEP § 802.01. Accordingly, reconsideration and withdrawal of the species election requirement of the sequences recited in claim 3 is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute SEQ ID NO:3, with traverse. Claims 1 and 11 have been amended and claim 3 has been canceled to clarify that the claimed invention is a compound targeted to a *single* disclosed species of glioma-associated oncogene-3, namely, SEQ ID NO:3. Support for this amendment is found throughout the specification and at page 80-82. Applicants believe that these amendments satisfy the requirements of this Restriction Requirement, as only a single species of glioma-associated oncogene-3 is now claimed.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Respectfully submitted,

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Date: October 15, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 3 has been canceled.

Claims 1 and 11 have been amended as follows:

1. (amended) A compound 8 to 50 nucleobases in length targeted to a nucleic acid molecule encoding human glioma-associated oncogene-3 (SEQ ID NO: 3), wherein said compound specifically hybridizes with said nucleic acid molecule encoding human glioma-associated oncogene-3 and inhibits the expression of human glioma-associated oncogene-3.

11. (amended) A compound 8 to 50 nucleobases in length which specifically hybridizes with at least an 8-nucleobase portion of an active site on a nucleic acid molecule encoding human glioma-associated oncogene-3 (SEQ ID NO:3).